

REMARKS

Reconsideration is respectfully requested in light of the foregoing Amendments and the Remarks that follow.

Claims 22-37 are pending in the application, with claims 22 and 30 being the independent claims. Claims 1-21 are canceled. Claims 22 and 30 are herewith sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Information Disclosure Statement

Applicant respectfully requests that the Office confirm review of U.S. Reissue Patent No. RE34,954 to Haber et al. (hereinafter "Haber"). Applicant filed an Information Disclosure Statement (IDS) on February 27, 2002, which included Haber, among others as attachments. However, applicant inadvertently transposed two digits on the PTO-1449 form. Applicant respectfully submits that Haber is properly listed (and discussed) in the Background section of the specification.

In addition, applicant respectfully calls the Examiner's attention to the patent applications which are cross-referenced to the present application. Applicant has, on occasion, provided copies of the Office Actions from these applications. Applicant understands, however, that Examiners are now able to view the Office Actions from other applications as they have been scanned. Applicant therefore respectfully requests that the Examiner review any additional prosecution from these cross-referenced applications. Applicant invites the Examiner to contact the undersigned if there are any difficulties in obtaining these records.

Amendments to the Specification

Applicant respectfully submits an amendment to one paragraph at pages 15-16 (starting on page 15) which corrects a typographical error with the specification. This amendment introduces no new matter and entry is respectfully requested.

Rejection under 35 USC § 102

At ¶¶ 1-3, the Office Action rejected, under 35 U.S.C. § 102(b), claims 22-23, 25-27, 30-31, and 33-35 as being anticipated by US Patent No. 5,422,953 A to Fischer.

Applicant respectfully submits that this rejection is new and relies on further reasoning which has not been explained or substantiated by citation to the references. Therefore, applicant respectfully traverses this rejection in the following discussion. Furthermore, applicant respectfully re-submits that the Office Action has not provided a prima facie case for anticipation.

At ¶ 1, the Action provides the following unsubstantiated statement in response to applicant's previous amendments and arguments: *"Examiner interprets the content of the file in Fischer to include the identity of the document and its presenter. Therefore, this association of time with identity constitutes an association between the time and content of the file. The value to be signed also constitutes content trusted after a signature is included with the content"* (emphasis added).

Applicant respectfully submits that the above statements have no basis for support in the cited references. Furthermore, without this basis, applicant respectfully submits that it would be unfair to accept the burden as being shifted to applicant from the Office. Nevertheless, applicant respectfully submits that Fischer neither teaches nor suggests that the content of a file includes the identity of the document and its presenter. Furthermore, applicant respectfully submits that there is no such thing as "identity of the document" as interpreted above. Thus, any subsequent association to equate time, content, and identity is baseless.

While applicant respects the Office's goal to construe each claim as broadly as possible, applicant respectfully submits that the above construction/interpretation prevents the claimed invention from operating as described and claimed. Therefore, the construction is improper. Applicant respectfully requests reconsideration and withdrawal of these rejections, in light of the presently amended claims.

In order to provide a complete response, applicant respectfully provides response to each of the rejections made final in the above cited Office Action of September 10, 2004.

With respect to the cited references, Fischer describes a system that associates time with identity, and not the content of a file. See Fischer, col. 6, lns. 22 - 65. According to Fischer, the controller of the identity has control over the clock and any content authentication processes. See Fischer, col. 5, lns. 1-30. Applicant respectfully submits that this teaching is contrary from that of the present invention, where such control over the clock would render the resulting content untrustable.

With respect to the independent claim 22, Fischer does not teach a means for saving the file at a moment in time; a means for retrieving from the trusted time source a data and a time corresponding to the moment in time, and a means for saving the file with the certificate appended thereto. Therefore, Fischer is limited to where an electronic notary function serves as witness to the identity of someone presenting a document. See Fischer, col. 7, lns. 20-42. The present invention, according to the embodiments discussed therein, provides trust in the content, and operates to maintain that trust irrespective of the identity seeking a date and a time. See Specification, pg. 19, ln. 22 - pg. 20, ln. 5. Therefore, applicant respectfully submits that the Office Action has not provided a prima facie case for anticipation, in that every element of the claimed invention is not taught by Fischer.

For at least the above reasons, applicant respectfully submits that claims 22-37 are believed to be patentable over Fischer. Furthermore, while only independent claim 22 has been specifically

discussed, the other independent claims, as well as the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

Rejections under 35 USC § 103

The Office Action presents obviousness rejections in three (3) distinct combinations. They are as follows (citation to cancelled claims is not included):

- A. Claims 22, 25, 30, and 33 are rejected as being unpatentable over Fischer in view of US Patent No. 5,910,988 A to Ballard.
- B. Claims 22 and 30 are rejected as being unpatentable over Fischer in view of US Patent No. 6,209,090 B1 to Aisenberg et al. (hereinafter "Aisenberg").
- C. Claim 22 and 30 are rejected as being unpatentable over Fischer in view of US Patent No. 5,970,146 A to McCall et al. (hereinafter "McCall").

Applicant respectfully submits that these rejections have been rendered moot or are accommodated by the above-entered amendments. Furthermore, as the amended claims are also submitted to clarify the claimed invention, and not in response to the applied or cited references, applicant respectfully traverses these rejections in the following discussion. Finally, applicant respectfully submits that the Office Action has not provided a prima facie case for obviousness in these three combinations.

Referring to the above-discussed Fischer, applicant respectfully submits that the deficiencies of Fischer prevent the establishment of any of the above combinations. With respect to the rejection of the claims with the combinations involving Fischer, listed as A-C above, applicant respectfully traverses these rejections in light of i) the current amendments to the claims; and ii) the above-stated distinctions between the claimed invention and Fischer. Withdrawal of these rejections is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

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Respectfully submitted,

By

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